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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/047,622	01/16/2002	Wilhelm Mausser	ANDPAT/162/US	4058

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ALIX YALE & RISTAS LLP
750 MAIN STREET
SUITE 1400
HARTFORD, CT 06103

EXAMINER

KIM, SANG K

ART UNIT	PAPER NUMBER
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3654

DATE MAILED: 08/26/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)
	10/047,622	MAUSSER ET AL.
	Examiner SANG KIM	Art Unit 3654

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 07 July 2003.
- 2a) This action is FINAL. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1,3-5 and 8 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) 1,3-5 and 8 is/are rejected.
- 7) Claim(s) _____ is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) The proposed drawing correction filed on _____ is: a) approved b) disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
a) The translation of the foreign language provisional application has been received.
- 15) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- | | |
|--|--|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____ . |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ . | 6) <input type="checkbox"/> Other: _____ . |

Claim Objections

Claim 1 is objected to because of the following informalities:

Claim 1, line 4, "the nip" should be "a nip";

Claim 1, line 11, "the core" should be "a core".

Appropriate corrections are required.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claim 5 and 8 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

For example, in claim 5, lines 4-8, a primary arm includes a load sensing device and the load sensing device is able to provide a support for the horizontal reel. This statement is inaccurate because a primary arm has a load sensing device 10 located adjacent to the horizontal reel, thus it does not support the horizontal reel, as shown in Figs. 1-2.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1 and 3-4 are rejected under 35 U.S.C. 102(b) as being anticipated by

Klerelid et al, U.S. Patent No. 5845868.

Referring to claims 1 and 4, Klerelid et al does teach a process for continuous reeling of a paper by running the paper sheet over a reel drum 19; winding the paper sheet on a horizontal reel 26; pressing the paper in a nip between the horizontal reel 26 and the reel drum 19; and measuring the value of the pressure force in the nip directly whereby frictional losses associated with other process components are eliminated; and controlling the pressure force in the nip at a desired level, using the measured value of the pressure force, during the entire winding process from the moment of taking over the pulp sheet onto a core shaft of the horizontal reel until the horizontal reel is pulled away from the reel drum using a load sensor 45, a sensing device 35, and a controller 43, to maintain the pressing force at the reel drum 19 in the direction of the force during the entire winding process as shown in Figs. 1-3.

Referring to claims 3, Klerelid et al show the step of controlling the pressure force with a pressure cylinder 44 as shown in Fig. 1.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the

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invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 5 and 8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Klerelid et al, U.S. Patent No. 5845868.

Referring to claim 5, Klerelid et al show a horizontal reel 26 adapted for having the paper sheet wound thereon; a reel drum 19 adapted for pressing the paper sheet onto the horizontal reel 26; and a primary arm 28 including a hydraulic cylinder (no reference number assigned) supported on a plurality of roller bearings (no reference number assigned) as it moves up and down, as shown in Fig. 1; a load sensing device 45 located on top of the axle of reel drum 19, the horizontal reel and the paper wound thereon being supported on a load sensing device as shown in Figs. 1-3.

Klerelid et al does not have a primary arm with a load sensing device nor the horizontal reel supported on a load sensing device, instead it is located on top of the axle of reel drum.

Klerelid et al disclose the claimed invention except for a load sensing devices supporting the horizontal reel. It would have been obvious to one having ordinary skill in the art at the time the invention was made to relocate the load sensing devices of Klerelid et al, since it has been held that rearranging parts of an invention involves only routine skill in the art. *In re Japikse*, 86 USPQ 70.

Klerelid et al does not have the load sensing device integrated into the hydraulic cylinder.

Klerelid et al disclose the claimed invention except for integrating the load sensing device with the hydraulic cylinder. It would have been obvious to one having

ordinary skill in the art at the time the invention was made to integrate the load sensing device with the hydraulic cylinder. Since it has been held that forming in one piece an article which has formerly been formed in two pieces and put together involves only routine skill in the art. Howard V. Detroit Stove Works, 150 U.S. 164 (1993).

Referring to claims 8, Klerelid et al teach a horizontally adjustable holding device 37 supporting the horizontal reel 26 and paper sheet 25 wound thereon, the load sensing devices 45 on top of the axle of reel drum 19 able to communicate and adjust with respect to the rolls, as shown in Figs. 1-3.

Klerelid et al does not have a load sensing device located with a horizontally adjustable holding device supporting the horizontal reel, instead it is located on top of the axle of reel drum.

Klerelid et al disclose the claimed invention except for a load sensing device located with a horizontally adjustable holding device supporting the horizontal reel. It would have been obvious to one having ordinary skill in the art at the time the invention was made to relocate the load sensing devices of Klerelid et al, since it has been held that rearranging parts of an invention involves only routine skill in the art. In re Japikse, 86 USPQ 70.

Response to Arguments

Claims 2, 6, and 7 are canceled.

Applicant's arguments filed on 7/7/03 have been fully considered but they are not persuasive with respect to claims 1, 3-5, and 8.

Applicant's arguments with respect to claims 5 and 8 have been considered but are moot in view of the new ground(s) of rejection.

Referring to claim 1, applicants argue, "the Klerelid device cannot measure the actual pressing force between the reel drum and the horizontal reel. Since the parent roll consists of the spool 26 plus the paper on the reel spool, the pressing force exerted on the reel drum is a combination of the pressing force exerted by the reel spool plus the weight of the paper on the reel spool. The apparatus of the Klerelid reference does not and cannot measure the pressure force exerted only by the horizontal reel. Therefore, the apparatus of the Klerelid reference cannot measure such pressure force without losses."

The examiner disagrees with the applicants. Nowhere in the claims point out that "the pressure force exerted only by the horizontal reel". Furthermore, even if the pressure force was exerted only by the horizontal reel, then the applicant's invention would contradict itself. Because in order to wind the paper on to the horizontal reel, a paper runs over the reel drum creating a nip force in between the reel drum and the horizontal reel. A sheet of paper is in between the two drums which means that the pressure force exerted on the horizontal reel is not just the reel drum alone as applicants would like to believe, instead a sheet of paper and the reel drum are both acting as a pressure force.

As noted in the grounds of rejection above, the pressure force is measured and controlled without any losses of force using a load sensor 45, a sensing device 35, and

a controller 43 to maintain the pressing force at the reel drum 19 in the direction of the force.

Conclusion

The amendment filed on 7/7/03, providing an explanation with respect to claims 5 and 8 necessitated the new grounds of rejection.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sang Kim whose telephone number is (703) 305-3712. The examiner can normally be reached Monday through Friday from 8:00 A.M. to 5:30 P.M. alternating Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kathy Matecki can be reached on (703) 308-2688. The fax phone numbers are (703) 872-9326 for regular communications and (703) 872-9327 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-1113.

SK

8/18/03

Kathy Matecki

KATHY MATECKI
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 3600